UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,332	11/20/2000	John R. Josephson	OSU1159-074D	5020

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EXAMINER
HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
2121	3

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/717,332	Applicant(s) JOSEPHSON ET AL.
	Examiner Joseph P. Hirl	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-91_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-91_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 November 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____ .

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2_ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   Claims 1-91 are pending in this application.

2.   The claims and only the claims form the metes and bounds of the

invention. The Examiner has full latitude to interpret each claim in the broadest

reasonable sense. Examiner will reference prior art using terminology familiar to

one of ordinary skill in the art. Such an approach is broad in concept and can be

either explicit or implicit in meaning.

Drawings

3.   The drawings are objected to because of the following:

Fig.1 contains notations that are too small to read.

Figs. 4-23 are identified in the specification, pages 6 and 7 and use in the

respective text of the specification. Figs. 4-23 are missing from the disclosure.

These objections must be corrected.

Oath/Declaration

4.   It does not identify the citizenship of each inventor. The citizenship of

Naresh Sundaram Iyer has been omitted.

Specification

5.   The specification is objected to because of the following:

Page 8, the related references to Fig. 1 need to be changed to properly

relate to Fig. 1.

Page 8, line 22: perhaps "along" should be "among".

Page 10, lines 4 –13: Fig. 2 has no relevance.

Page 10, lines 14-22: While Fig. 3 is a scatterplot, it has no relevance to

the substance of this section.

Specification in total: When the Figs. 4-23 are located, the related text

should be check for relevance.

These objections must be corrected.

Claim Rejections - 35 USC § 112

6.   Claims 18, 23-35, 36, 47-53, 54-63, 67-71, 89-91 rejected under 35

U.S.C. 112, second paragraph, as being incomplete for omitting essential

elements, such omission amounting to a gap between the elements. See MPEP

§ 2172.01. Variously omitted elements in the subject claims but required per the

specification, page 5, lines 15-16 are Seeker, Filter and Viewer.

7.   Claims 22, 51, 69 and 86 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the enablement requirement. The claim(s)

contains subject matter which was not described in the specification in such a

way as to enable one skilled in the art to which it pertains, or with which it is most

nearly connected, to make and/or use the invention. Figs. 4-23 that generally

deal with scatterplots are missing from the disclosure. Further, those figures that

are provided are inappropriately coupled by reference to the specification.

Further, multiple colored figures are not enabled by the specification. Conclusion

is confusion.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

9.   Claims 1-91 are rejected under 35 U.S.C. 102(e) as being anticipated by

Amado (U.S. Patent 5,701,400, referred to as **Amado**).

Claims 1, 72

Amado anticipates a seeker for acquiring a plurality of candidates

(**Amado**, col 32, lines 4-5); a filter for selecting a subset of candidates from said

plurality of candidates (**Amado**, col 32, lines 6-7; Examiner's Note (EN); filtering

is selection which can be done by classifying, clustering, rules, etc.); and a

viewer for displaying said subset of candidates and enabling narrowing of said

subset of candidates (**Amado**, col 2, lines 13-19).

Claims 2, 23, 38, 55

Amado anticipates seeker acquires said plurality of candidates by

retrieving said plurality of candidates from a database (**Amado**, col 32, lines 4-

5).

Claims 3, 24, 39, 56, 75

Amado anticipates seeker acquires said plurality of candidates by

generating said plurality of candidates using components from a device library

(**Amado**, col 32, lines 18-31; EN: Devices in a library equates to data stored in a

database).

Claims 4, 25, 40, 57, 76

Amado anticipates device library comprises components, component

behaviors, and composition schemes (**Amado**, col 32, lines 18-31; EN: Data,

"...diagnosis, planning, design and process control..." are equivalent).

Claims 5, 26, 41, 58, 77

Amado anticipates components are defined by using a functional and

compositional modeling language (**Amado**, col 10, lines 14-34; EN: The

software used by KADS Tool which is a high end CASE tool is functional and

compositional as represented by the KADS Tool models).

Claims 6, 27, 42, 59, 78

Amado anticipates device library supports composition of a device

without reference to a specific environment (**Amado**, col 10, lines 14-34; EN:

"...generates reusable models in a language-independent manner").

Claims 7, 28, 43, 60, 79

Amado anticipates device library supports composition of a deployed

Device (**Amado**, col 10, lines 14-34).

Claims 8, 29, 44, 61, 80

Amado anticipates seeker acquires candidates using an FCML simulator

(**Amado**, col 10, lines 14-34; ; col 32, lines 4-5;EN: Models provide simulation).

Claims 9, 30, 45, 62, 81

Amado anticipates FCML simulator is adapted to answer questions

about candidates (**Amado**, col 10, lines 14-54).

Claims 10, 31, 46, 63

Amado anticipates seeker uses distributed computation to evaluate a

large number of candidates (**Amado**, Fig.1).

Claims 11, 32, 47, 65, 82

Amado anticipates filter is selected from the group consisting of classical

dominance filter, strict dominance. filter, superstrict dominance filter, selective

superstrict dominance filter, discernible difference dominance filter, two-pass

toleranced filter, and onionskin filter (**Amado**, col 15, lines 17-53; EN: Rough

sets classify and hence are equivalent to filtering; Applicant's various filters are

the equivalent of classification rules for classifying into two or more categories

wherein a specific filter name is not novel).

Claims 12, 33, 48, 66, 83

Amado anticipates said filter uses a toleranced dominance method to

select said subset of candidates (**Amado**, col 15, lines 17-53; EN: Rough sets

classify and hence are equivalent to filtering; Applicant's various filters are the

equivalent of classification rules for classifying into two or more categories

wherein a specific filter name is not novel).

Claims 13, 20, 49, 67, 84

Amado anticipates viewer is adapted to use a multi-attribute display

(**Amado**, col 2, lines 13-19).

Claims 14, 21, 50, 68, 85

Amado anticipates viewer is adapted to display a trade-off scatterplot of

said subset of candidates (**Amado**, col 16, lines 57-65; EN: DVT has a full

graphics package which would include x-y plots and scatterplots).

Claims 15, 22, 51, 69, 86

Amado anticipates said viewer is adapted to display a first selected region

of candidates from a first scatterplot in a first color, a second selected region of

candidates in a second scatterplot in a second color, an intersection between

said first selected region and said second selected region in a third color, and

unselected candidates in a fourth color (**Amado**, col 16, lines 57-65; EN: DVT

has a full graphics package which would include color scatterplots).

Claims 16, 34, 52, 70, 87

Amado anticipates plurality of candidates is designs for hybrid electric

vehicles (**Amado**, col 17, lines 40-59; col 32, lines 4-18; col 31, lines 37-42; EN:

Amado has a broad application and there isn't any feature in the design for

hybrid electric vehicles that is novel to Amado).

Claims 17, 35, 53, 71, 88

Amado anticipates said plurality of candidates is selected from the group

consisting of candidates for a design task, candidates for planning. task,

candidates for a purchasing task, and candidates for alternative hypotheses

(**Amado**, col 17, lines 40-59).

Claim 18

Amado anticipates a seeker for acquiring a plurality of candidates

(**Amado**, col 32, lines 4-5); and a filter for selecting a subset of candidates from

said plurality of candidates (**Amado**, col 32, lines 6-7).

Claim 19

Amado anticipates a viewer for displaying said subset of candidates and

enabling narrowing of said subset of candidates (**Amado**, col 2, lines 13-19).

Claim 36

Amado anticipates filter for selecting a subset of candidates from a

plurality of candidates (**Amado**, col 32, lines 6-7); and a viewer for displaying

said subset of candidates arid enabling narrowing of said subset of candidates

(**Amado**, col 2, lines 13-19).

Claim 37

Amado anticipates a seeker for acquiring said plurality of candidates

(**Amado**, col 32, lines 4-5).

Claim 54

Amado anticipates a seeker for acquiring a plurality of candidates

(**Amado**, col 32, lines 4-5); a viewer for displaying and enabling narrowing of a

subset of candidates from said plurality of candidates (**Amado**, col 2, lines 13-

19).

Claim 64

Amado anticipates a filter for selecting said subset of candidates from said

plurality of candidates (**Amado**, col 32, lines 6-7).

Claim 73

Amado anticipates acquiring a plurality of candidates includes the step of

retrieving said plurality of candidates from a database (**Amado**, col 32, lines 4-5).

Claim 74

Amado anticipates acquiring a plurality of candidates includes the step of

evaluating a plurality of candidates using a seeker (**Amado**, col 32, lines 4-5).

Claim 89

Amado anticipates displaying candidates for a decision problem

comprising the step of displaying on a screen a distribution of candidates along

each criteria for said decision problem (**Amado**, col 2, lines 13-19).

Claim 90

Amado anticipates comprising the step of determining which candidates in

any one of the criteria have been selected (**Amado**, col 31, lines 38-42).

Claim 91

Amado anticipates the step of performing intersections of different

selections along different criteria (**Amado**, col 31, lines 38-42 EN: Intersections

relate to commonality or synchronization among classifications or clustering).

Conclusion

10.   Claims 1-91 are rejected.

Correspondence Information

11.   Any inquiry concerning this information or related to the subject disclosure

should be directed to the Examiner, Joseph P. Hirl, whose telephone number is

(703) 305-1668. The Examiner can be reached on Monday – Thursday from

6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the

Examiner's supervisor, John Follansbee can be reached at (703) 305-8498.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7240 (for informal or draft communications with notation of

"Proposed" or "Draft").
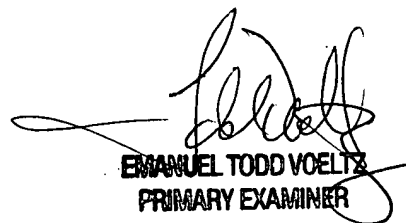
Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

2121 Crystal Drive,

Arlington, Virginia.

Joseph P. Hirl

May 22, 2003

EMANUEL TODD VOELTZ
PRIMARY EXAMINER